

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

WP(C).No. 13635 of 2007(W)

PETITIONER:

A.M. VARGHESE, AGED 56 YEARS,
S/O.LATE MATHAI, ARUVIKUZHY HOUSE,KURIYANNOOR MURI
THADIYOOR P.O.,THIRUVALLA TALUK,PATHANAMTHITTA DT.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS:

1. THE VILLAGE OFFICER,
THOTTAPUZHASSERY VILLAGE, THIRUVALLA,
PATHANAMTHITTA DISTRICT.
2. THE ADDL. TAHSILDAR, THIRUVALLA.
3. THE DISTRICT COLLECTOR,
PATHANAMTHITTA.
4. THE COMMISSIONER OF LAND REVENUE,
THIRUVANANTHAPURAM.
5. THE DISTRICT SURVEY SUPERINTENDENT,
PATHANAMTHITTA.

BY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 20/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX IN WPC NO.13635 OF 2007

PETITIONER'S EXHIBITS:

EXT.P1:- PHOTOCOPY OF THE LETTER NO.C8-9529/05 DATED 4/1/2006 ISSUED BY THE 2ND RESPONDENT.

EXT.P2:- PHOTOCOPY OF THE LETTER DATED 29/4/2006 SENT BY THE 5TH RESPONDENT TO THE 2ND RESPONDENT.

EXT.P3:- PHOTOCOPY OF THE EXTRACT TAKEN FROM THE WEB-SITE OF THE KERALA GOVT.

EXT.P4:- PHOTOCOPY OF THE JUDGMENT DATED 21/7/2006 IN WPC NO.19168/2006 OF THIS HON'BLE COURT.

EXT.P5:- PHOTOCOPY OF THE ORDER NO.LR.L3-33807/2006/D.DIS DATED 1/11/2006 PASSED BY THE 4TH RESPONDENT.

EXT.P5(a):- PHOTOCOPY OF THE LETTER NO.69113/E3/87/RD DATED 22.6.1989 SENT BY THE SECRETARY TO GOVT.TO THE ADDL.SECRETARY, BOARD OF REVENUE (SURVEY), THIRUVANANTHAPURAM.

[TRUE COPY]

PA TO JUDGE

S.SIRI JAGAN, J.

W.P.(C)No. 13635 OF 2007

Dated this the 20th day of June, 2007

J U D G M E N T

The petitioner is a successor-in-interest in respect of certain properties which originally belonged to his late father. Dispute arose regarding the right to some trees allegedly standing in the property. The matter was taken up before the authorities and ultimately by Ext.P5 order, the 4th respondent remanded the matter to the District Collector, Pathanamthitta for fresh disposal in the light of letter No.69113/E3/87/RD dated 22.6.1989 of the Government which was passed in a similar case. The petitioner's contention is that although the order was passed as early as on 1.11.2006, the District Collector has not taken any follow up action till date. The petitioner, therefore, seeks the following reliefs:

“declare that the petitioner is entitled to get 3 items of trees, 2 jack trees and one Anjili, cut and fell down by the petitioner from his property certified by the District Survey Superintendent, 5th respondent, vide Ext.P2; and

issue a writ of mandamus or other appropriate writ, order or direction commanding the 3rd respondent to pass orders in pursuance to the directions in Ext.P5 order of the 4th respondent at the earliest”

2. I have heard the Learned Government Pleader also. Considering the facts and circumstances of the case, there will be a direction to the 3rd respondent - District Collector to take up the matter as directed in Ext.P5 and to pass appropriate orders thereon, as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

S.SIRI JAGAN, JUDGE

ma

